

THE
ANCIENT
SEA-LAWS
OF
OLERON, WISBY,
AND THE
HANSE-TOWNS,
Still in Force.

Taken out of a French Book, Intituled,
Les **Us** & Coutumes de la Mer.
Estienne Cleinac
AND

Rendred into *English*, for the Use of
NAVIGATION,

By GUY MIEGE, Gent.

L O N D O N,

Printed by J. Redmayne, for T. Basset at the sign of the George near St. Dunstan's
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MCDLXXXVI.

THE
ANCIENT
SEA-LAW
OF
MORRISBY
AND THE
BAY OF
TOWNS

As ordered by the
Les Us & Coutumes de la Mer.

AND
The Right of the Use of
NAVIGATION

BY CHARTER

LONDON
Printed by J. Baskett, at the Sign of the George, near St. Dunstons
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Before I begin with those Laws which are here set forth for the Use of Navigation, it will not be improper to give an Account of the Places, from whence they are denominated.

OLERON is the Name of an Island, and of the chief Town thereof. The Island is situate over against Saintonge, a Province of France, and Part of Aquitain. It lies in the 46. Degree of Northern Latitude, betwixt the Isle of Rec Northward, and the Mouth of the River Charente Southward.

The same is very fruitful, and pleasant. It yields plenty of Corn, and pretty good Wine, store of Game, and good Fishing. There is also made yearly a very great Quantity of Salt, wherewith most of the Provinces of the Western Ocean use to be furnished. In short, this was anciently the Place of Recreation for the Dukes of Aquitain, who caused here a Castle to be built.

But Nothing has so much raised the Fame of this Island, as the Reputation of the Maritime Laws, which bear the Name of it. The Laws of Oleron, which for the space of 500 Years have generally been received by all the States of the Christian World that frequent the Ocean, for regulating the Sea-Affairs, and for deciding Maritime Controversies. Whereby the Rhodian Laws wore out of Use, and became antiquated.

As for the Credit of the Work, the French (but especially those of Aquitain) assume it to themselves. To make it out, my French Author says, that Queen Eleanor, Dutches of Aquitain (the Wife of Henry II. King of England, and Mother to Richard I.) being returned from the Holy Land, made the first Draught of these Laws; and called them Roole d'Oleron, by the Name of this her beloved Island. To which Laws, says he, her Son King Richard, being likewise returned from his Expedition in the Holy Land, made some Additions, and that still under the same Title. All which he backs with these Arguments, That these Laws were written in the old French, after the Gascon Dialect, and not in English; That they were made particularly for Bourdeaux Voyage, for the Lading of Wines and other Commodities in the said Place, and for the Transporting and Unlading of them at S. Malo, Caen, and Rouen, Sea-Port Towns of France; and lastly, That there is not so much as any mention made of the Thames, England, or Ireland.

Whereas the learned Selden, in his Treatise De Dominio Maris, attributes to the English Nation the Glory of his Work, and does not want sound Arguments for it.

But, whether the English or the French ought to have the Credit of it, or share it amongst Them; certain it is, that these Laws are equally memorable for their Antiquity, and to be revered for their Justice and Equity.

THE

THE Laws of OLERON.

When a Man is made Master of a Ship, or other Vessel, and the said Ship or Vessel belonging to several Part-Owners departs from her own Port, and comes to *Bordeaux*, *Rouen*, or any other Place, and is there freighted for *Scotland*, or some other forreign Country; the Master in such Case may not sell the said Vessel, unless he hath a Procuration or a special Order for that purpose from the Owners. But, in case he want Monies for the necessary Provisions of the said Vessel, he may for that end, with the Advice of his Mariners, pawn or pledge part of the Tackling of the said Ship or Vessel.

I I.

If a Ship, being in an Harbour, waits for her Freight to depart therewith, the Master ought, before he depart, first to advise with his Company, and say, *Sirs*, What think you of this Weather? Whereupon perhaps some will tell him, It is not safe yet to Sail, the Wind being but newly changed, and we had best first see it settled; and others possibly will say, The Weather is good and fair. In such Case, the Master is to concur with the major Part. Upon failure of which, if the Ship should come to be lost, he shall make good the same (if he have wherewithall) according to the full Value, upon a just Appraisement.

I I I.

If any Vessel happen, through misfortune, to be cast away, in what Place soever it be, the Mariners are bound to save as much of the Lading as they can. And, if they save part thereof, the Master shall allow them a Competency to get home to their own Country. And, in case they save so much as may enable the Master to do this, then he may lawfully pledge to some honest Person such Part thereof as may serve for that Purpose. But, if they have not indeavoured to save the Things aforesaid, then the Master is not bound to provide for them; but he ought to keep them in safe custody, until he knows the Pleasure of the Owners. And thus he ought to do like a faithful Master; otherwise he shall be bound to give Satisfaction.

I V.

If a Vessel coming from *Bordeaux*, or any other Place, happen in her Voyage to be Indamaged, and the Mariners save as much of the Lading as possibly they can; And yet the Merchants and the Master are at variance, the Merchants requiring their Lading from the Master: In this Case the Merchants ought to have it, paying the Freight for that part of the Voyage the Ship has made, according to the quantity of the Goods, and the length of the Voyage, if so please the Master. But, if the Master please, he may repair his Vessel, if he can readily do it; otherwise, he may hire another Ship, to finish the Voyage. And then the Master shall have his Freight for so much of the Goods as are saved, to be reckoned Liver by Liver, and the saved Goods shall pay the Costs of their Salvage. And, in case the Master and Merchants promised the People of the Country, that should help to save the Ship and her Lading, a Third or one Moiety of what by their Help should be saved, for venturing their Lives in so doing; the Justice of that Country ought well to consider their Pains and Labour, and to reward them accordingly, notwithstanding the Promise made unto them by the Master or by the Merchant.

V. When

V.

When a Vessel departs from any Country, Laden or Empty, and arrives at any Port or Harbour, none of the Mariners ought to go out of the Ship, without the Master's Leave. For in such a Case, if the Vessel should happen to be lost, or by any Misfortune be damnified, they must make Satisfaction for the same. But, if the Vessel be moored with two or three Anchors, they may then lawfully go out of her without the said Master's Leave; Provided they leave behind them on Ship-board such a Number of the Ships Company, their Fellow-Mariners, as is sufficient to look to the Vessel and her Lading. Provided also, that they return again in due time to their said Vessel. For, if they stay longer than is meet, and any Mischance happens to the Ship, they ought to make Satisfaction, if they have wherewithall.

V. I.

If some of the Mariners that hired themselves with the Master, go out of the Ship without the Master's Leave and make themselves so Drunk as to occasion Wrangling and Fighting, whereby some happen to be wounded; In such Case the Master is not bound to get them healed, or in any Thing to provide for them. On the contrary he shall be free to discharge them, and to turn them out of the Ship, both them and their Assistants. And, if they come to reckon, they must make up whatever they remain owing to the Master. But, if the Master send any of his Mariners about the Ship-Service, who therein happen to be hurt or wounded, in this Case they ought to be healed, and provided for at the Costs and Charges of the said Ship.

V. I. I.

When any Sea-man falls sick in the Ship, the Master ought to send him to Shore, and provide him with a Lodging. He is also to furnish him with Light, either Lamp or Candle-light, and to spare him one of the Ship-boys, or else hire a Woman, to attend him. He shall likewise afford him such Diet as is used in the Ship, and the same Quantity that was allowed him when he was in health, and no more, unless it please the Master to allow him more. And, if a better Diet be required, the Master shall not be bound to provide it for him, unless it be at his own Costs and Charges. In case the Ship be ready for her Departure, she ought not to stay for the said sick Party. And, if he recover, he ought to have his full Wages, deducting only such Charges as the Master has been at for him. But, if he die, his Wife or next of Kin ought to have what is due to him.

V. I. I. I.

When a Ship laden to sail from *Bourdeaux* to *Caen*, or some other Place, is overtaken at Sea by a Storm, so that she cannot escape without casting some of her Lading and Merchandize over-board, for lightening the said Ship, and preserving the rest of the Lading, and the Vessel it self; Then the Master ought to say, Sirs, It is convenient to cast over-board some of the Ships Lading. And, if there be no Merchant but what gives his consent, or approves thereof by his Silence; Then the Master shall use his own Discretion, and cast over-board some part of the Lading. And, if the Merchants do not like of it, but that they gainsay or contradict it; the Master nevertheless ought not to forbear casting out so much Goods as he shall see convenient, he and the third part of his Mariners taking their Oath upon the Bible, that keeping their right Course, they were fain to cast part of the Lading over-board, to save their Lives, and the Ship, and the rest of the Lading. And the Wines, or other Goods, that were cast over-board, ought to be prized and valued, according to the just Value of the Goods saved. And, when these shall be sold, the Price thereof shall be divided Liver by Liver among the Merchants. And the Master ought to make the Division, and to compute the Damage of the Vessel, or the Freight at his own Choice. And, to repair the Damage sustained, the Mariners also ought to have a Tun free, and another divided by Lot according as it shall happen, if it appear that he to whose Lot it fell, did the part

of a good and able Sea-man. Otherwise he shall be barred of his Priviledge. And the Merchants in this Case may lawfully put the Master to his Oath.

IX.

If it happen, that the Master, by reason of foul Weather, thinks fit to cut down his Mast, he ought first to call the Merchants, if there be any aboard the Ship, and to say unto them, Sirs, It is requisite to cut down the Mast, to preserve the Ship and Lading, it being in this Case no more than becomes my Duty. Nay, it oftentimes happens that they cut Cables and Rigging, leaving both the Cables and Anchors behind them, to save the Ship and her Lading. All which Things are reckoned Liver by Liver, as Goods that were cast over-board. And, when it pleases God, that the Vessel arrives safely at the Port intended, the Merchants shall pay to the Master, without any delay, their Shares or Proportions, or sell the Goods, or pledge them, or procure Mony to satisfie the same, before the said Goods be taken out of the Ship. And, if he has allowed of them, and there happen Controversies and Differences touching the Premises, so that he observes a Collusion therein, the Master must not come by the Loss, but ought to have his Freight.

X.

When a Master freights a Ship, he ought to shew his Merchants the Cordage that belongs to her. And, if they see any Thing amiss or wanting, he must rectifie it. For, if for want of good Cordage any Pipe, Hoghead, or other Vessel, should happen to be spoiled or lost, the Master and Mariners ought to make it good to the Merchants. So also, if the Ropes or Slings break, the Master not having shewed them to the Merchants, he must make Satisfaction for the Damage. But if the Merchants say, That the Cordage is good & sufficient, and rest satisfied therewith, and afterwards it happens that they break; in that Case each of them shall share the Damage, *viz.* the Merchant to whom the Goods belong, and the said Master with his Mariners.

XI.

A Vessel being laden with Wines, or other Goods, and hoysing Sail at *Bordeaux*, or any other Place, if the Master and his Mariners have not trimmed their Sails as they ought to have done, and it happens that ill Weather overtakes them at Sea; so that the main Yard shakes, or breaks one of the Pipes or Hogheads, the Ship being arrived at her Port of Discharge, the Merchant says to the Master, that by reason of his main Yard his Wine was lost. In that Case, if the Master replies, It was not so, both he and his Mariners (be it four or six, or such of them as the Merchants shall think best) must take their Oath, That the Wine was not destroyed by them, nor by the main Yard, or through their Default, as the Merchants charge them: And then the said Master and his Mariners shall be acquitted thereof. But, if they refuse to make Oath to that effect, they are then obliged to make Satisfaction for the same. For they ought to have ordered their Sails aright, before they sailed from the Port where they took in their Lading.

XI.

A Master, that has hired Seamen for a Voyage, shall keep the Peace between them, and do the part of a Judge at Sea. And, if there be any of them that gives another the Lie, before they have Bread and Wine on the Table, he that has given the Lie, shall pay four *Deniers*. But, if the Master himself gives any other the Lie, he shall pay eight *Deniers*. And, if any of the Mariners give the Master the Lie, he shall also pay eight *Deniers*. If the Master strike any of his Mariners, the Mariner ought to bear with the first Stroke, whether it be with the fist or open hand. But, if the Master do strike more than once, the said Mariner may defend himself. And, if any of the hired Mariners strike the Master first, he shall pay an hundred *Sous*, or lose his Hand.

XII.

When a Difference happens between the Master of a Ship and any one of his Mariners, the Master shall deprive him of three meals before he turns him out of the

the Ship. But; if the said Mariner do offer in the presence of the rest of the Mariners to make the Master Satisfaction, and the Master refuse the same, and resolve (notwithstanding such Offer) to put him out of the Ship; In such Case the said Mariner may follow the said Ship to her Port of Discharge, and ought to have his Wages paid him as if he had come in the Ship, or as if he had made Satisfaction for his misdemeanour before the Ship-Company. And, if the Master take not another Mariner into the Ship in his stead, as able as the other, and the Ship or Lading happen to be through any misfortune damaged, the Master shall make good the same, if he have wherewithal.

XIV.

If a Ship in her Voyage, lying any where at Anchor, be struck or grappled with another Vessel under Sail, for want of good Steering, whereby the Vessel at Anchor is prejudiced, and the Goods in her damaged; In such a Case the whole Damage is to be in common, and to be equally divided and appraised half by half. And the Master and Mariners of the Ship that struck or grappled with the other shall swear on the Holy Evangelists, That they did it not wittingly or wilfully. The Reason of this Judgment is, That an old Vessel might not purposely come in the way of a better: Which she will hardly do, as long as the Damage must be equally shared.

XV.

When two or more Vessels lye in an Harbour, where there is but little Water, so that the Anchor of one of the Vessels lies dry, the Master of the other Vessel ought in that Case to say unto him whose Anchor lies dry, Master, take up your Anchor, for it is too nigh us, and may do us a Prejudice. And, if the said Master, and his Mariners, refuse to take up the said Anchor; Then may the other Master and his Mariners (who might be otherwise thereby damaged) take up the said Anchor, and remove it at a farther distance. And, if the other oppose the taking up of their Anchor, and there afterwards happen Damage thereby; they are bound to give full Satisfaction for the same. But, if they had placed a Buoy to the Anchor, and that the Anchor should cause any Damage, in this Case they shall not be bound to repair the Damage. And therefore being in an Harbour, they ought to fasten such Buoys or Anchor-marks, and such Cables to their Anchors, as may plainly appear and be seen at full Sea.

XVI.

When a Ship is arrived with her Lading at *Bordeaux*, or elsewhere, the Master of the Ship ought then to say to his Company, Sirs, will you freight by your selves, or be allowed at the Freight of the Ship? To which they are to answer which of the two they intend. If they take as the Freight of the Ship shall happen, they shall be allowed proportionably. And, if they will freight by themselves, they ought to do it so as that the Ship be not hindered thereby. And, in case no Freight may be had, the Master is not to blame; and he ought to shew them their Ship-safe, and to weigh it out to each of them. And, if they will there lade a Tun of Water, instead of so much Wine, they may. And, in case there should happen at Sea a Casting of Goods over-board, the Case is the same for a Tun of Water, as in a Tun of Wine, or other Goods, Liver by Liver. But, if Merchants do freight the said Vessel, they shall have the same Freedom and Immunity as the Mariners have.

XVII.

The Mariners of *Brittany* ought to have but one meal a day from the Kitchin, because they have Beverage or Drinkings out and home. But those of *Normandy* ought to have two meals a day, because they have only Water at the Ships Allowance. Only, when the Ship arrives at a Wine-Country, there the Master is to procure them Wine to drink.

XVIII.

When a Vessel hath unloaded, and the Mariners demand their Wages, (where of some have neither Bed, Chest, nor Cabbin aboard,) the Master may lawfully keep back part of their Wages, till they have brought back the Ship to the Port from whence she came, unless they give good Security to serve out the whole Voyage.

XIX.

When the Master of a Ship hires the Mariners in the very Town to which the Vessel belongs, whereof some at their own finding, others of them at his own Costs and Provision; and it happens, that the Ship cannot procure Freight in those Parts where she is arrived, but must Sail further to get it; Then the Mariners that are at their own finding ought to follow the Master, and such as are at the Masters own Costs ought to have their Wages encreased, Kenning by Kenning and Course by Course, because he hired them to one certain Place. And, if they go not so far as to that Place which was agreed upon, yet they ought to have their full Hire, as if they had gone thither. But they must bring back (with God's help) the Vessel to the Place from whence they took her.

XX.

When a Vessel comes to *Bordeaux*, or any other Place, two of the Mariners at a time may take with them to Shore their Proportion of such Victuals as is in the Ship, as also so much Bread thereof as they can eat at once, but no Drink. And they ought very speedily and in good time to return to their Ship, that the Master may not lose the Hire of the Ship. For, if the Master should lose it, and Damage come thereby, they are bound to make Satisfaction. Or, if any of their Company be hurt for want of their Help, they shall bear so much of the Charge of his Recovery as one of his Fellow-Mariners, or the Master with those of the Table shall judge or arbitrate.

XXI.

If a Master lets his Ship to freight to a Merchant, and lets him a certain Time within which he shall lade his Vessel, to be ready to depart at the Time appointed; and the Merchant do it not within the Time, but keeps the Master and Mariners by the Space of eight Days, or a Fortnight, or more, beyond the Time agreed on, so that by the Merchants default he loses his Time, and the Opportunity of a fair Wind; In such Case, the said Merchant shall make the Master Satisfaction for this his Delay. The fourth whereof is to go among the Mariners, and the other three fourth Parts to the Master, because he finds them their Expences.

XXII.

When a Merchant freights a Ship at his own Charge, loads her, and sends her to Sea, and the said Ship comes into an Harbour, where by reason of contrary Winds she is fain to stay till her moneys be all spent, the Master in that Case ought speedily to send to his own Country for money. But he ought not to lose his *Armogan*, that is, a good Opportunity. For, if so, he is accountable to the Merchant for all Damages that shall happen thereby. But the Master may take part of the Wines, or other Merchant Goods, and dispose thereof for the present Occasions of the Ship. And, when the said Ship shall be arrived at her right Port of Discharge, the Wines that the Master shall have disposed of shall be valued and appraised at the same Rate as the other Wines shall be commonly sold for, neither more nor less: And the Master shall have the Freight of such Wines as he has disposed of as aforesaid.

XXIII.

If a Pilot undertakes the Conduct of a Ship, to bring her to *S. Male*, or any other Port, and fails in his Undertaking, so as the Ship miscarry through want of Skill; the said Pilot shall make good all the Damages that shall ensue thereby. But, if he be not able to make satisfaction, he ought to lose his Head. And, if the Master,

ster, or any of the Mariners, or Merchants, cut off his Head, they shall not be accountable for it. However, before they do it, they ought to know, whether he has wherewith to make Satisfaction.

XXIV.

When a Ship, or other Vessel, arriving at any Place, makes in towards a Port or Harbour, and puts out her Flag, or gives some other sign to have a Pilot come aboard, or a Boat to tow her into the Harbour, the Wind or Tide being contrary, and a Contract is made for piloting the said Ship into the said Harbour accordingly; And, so much as in some Places 'tis a Custom, and an unreasonable one, that the third or fourth Part of the Ship lost shall accrue to the Lord of the Place where that sad Accident hapned, as also the like Proportion to the Salvors, and only the remainder to the Master, Merchant, or Mariners; Therefore the Persons contracting for the Pilotage of the Vessel, to ingratiate with their Landlord, and to get to themselves part of the said Ship and her Lading, do like base and treacherous Villains wittingly and designedly misguide the Ship that she may be lost; And then feigning to aid, help, and assist the distressed Mariners, themselves are the first in pulling the Ship to pieces, in purloining and carrying away the Lading, contrary to all Reason and a good Conscience; And, that they may be the more welcome to their Landlord, run to his House to bring him the Tidings of this unhappy Disaster; Whereupon the said Landlord comes with his Men, and takes his share, the Salvors theirs, and the Rest is left for the Merchants and Mariners. Which being contrary to the Laws of Almighty God, this Law therefore shall be established, That (notwithstanding any Law or Custom to the contrary) all Landlords, Salvors, and all others that shall take or purloin any of the said Goods, shall be Accursed, Excommunicated, and punished as Thieves and Robbers. And, as for such false and treacherous Pilots, the Judgment is, that they shall be put to a rigorous and unmerciful Death, That very high Gibbets shall be for that purpose set up, as near the Place as conveniently may be where they so guided and brought the said Ship or Vessel to ruin as aforesaid; And therein shall these accursed Pilots shamefully end their Days. Which Gibbets shall be left standing, as a Memorial to the Fact, and as a Caution to other Ships that shall afterwards sail that way.

XXV.

And, If the said Lord of the Place were so felonious and cruel as to suffer such barbarous people, and to connive at or abet such Villains, that he may have a share in the Wrack; In such Case the said Lord ought to be apprehended, and all his Goods seized and sold, to be converted into pious Uses, and for satisfaction to such as of Right it appertaineth. And, as for the said Lord's Person, he shall be fastned to a Post or Stake in the midst of his own Mansion-House; which being fired on the four Corners or Quarters thereof, all are to be burnt together. Which done, the Walls thereof shall be demolished and turned to Rubbish; and there shall a Market-Place be made, for the sale only of Hogs and Swine, to all Posterity.

XXVI.

When a Ship is arrived at her Port of Discharge, and gets there into dry Ground, so that the Mariners think her safe every way, then the Master ought to increase Wages kenning by kenning. And, if in hoisting up of Wines they chance to leave open any of the Pipes, or other Vessels, or that they fasten not the Ropes well at the ends of the Vessel, so that the Vessel slips and falls, and so is lost; Or that falling on another Vessel, both are lost; In these Cases, the Master and Mariners are bound to make them good to the Merchants, and the Merchants must pay the Freight of the said damaged or lost Wines, because themselves are to receive for them from the Master and Mariners, according to the Value that the rest of the Wines shall be sold for. And the Owners of the Ship ought not to suffer hereby, because the Damage hapned by default of the Master and Mariners, in not fastening the said Vessels of Wine.

XXVII

If two Vessels go a fishing in Partnership, as of Mackerels, Herrings, or the like, and do set their Nets, and lay their Lines for that purpose; the one of the Vessels ought to imploy as many fishing Engines as the other, and so they shall divide the Profit equally, according to the Covenant made betwixt them. And, if it happen, that one of the said Vessels perish with her fishing Instruments, and the other escaping arrive in safety; the surviving Relations or Heirs of those that perished may require of the other to have their part of the Gain, and likewise of their Fish and fishing Instruments, upon the Oaths of those that are escaped. But they are to have nothing of the Vessel it self.

XXVIII

If any Ship, or other Vessel, sailing to and fro, and coasting the Seas, whether in the way of Merchandizing, or upon a Fishing Design, happen by some misfortune, through the Violence of the Weather, to run against the Rocks, and there to be shattered and broken, be in what Coasts, Country, or Dominion soever; and the Mariners, Merchant or Merchants, or any one of them, escape and come safe to Land; In this Case the Lord of that Place or Country where such misfortune hath hapned, ought not to hinder or oppose the Saving of as much of the Ship or Lading as may possibly be saved, by those who have escaped as aforesaid, or those to whom the said Ship and her Lading belong. But on the contrary, the Lord of that Place or Country ought, by his own Interest, and by those under his Power and Jurisdiction, to be aiding and assisting to the said distressed Mariners and Merchants, in saving their Ship-broken Goods, and that without taking any thereof from them. Nevertheless there ought to be a Consideration for the Salvors, according to Equity and a good Conscience, and as Justice shall appoint; Notwithstanding what Promise in that Case has been made to the Salvors by such distressed Merchants and Mariners, as is declared in the fourth Law. And, in case any one shall do contrary hereunto, or take any part of the said Goods from the said poor, distressed, ruined, and Ship-broken Persons, against their wills, or without their consent, the same shall be Excommunicated, by the Church, and shall received the punishment of Thieves, unless speedy Restitution be made. And there is no Custom or Statute whatever that can protect him against the said Punishment.

XXIX

When a Ship, or other Vessel, entring into an Harbour, happens by misfortune to be broken and perish, and the Master, Mariners, and Merchants on board her to be drowned, and the Goods thereof be driven ashore, or floating on the Sea, without being sought after by those to whom they belong, not knowing any thing of the Disaster; In this doleful Case, the Lord of that place ought to send Persons to save the said Goods, and such as shall be recovered he shall secure and put into safe Custody. Which being done, he ought to take care (as much as in him lies) to give notice thereof to the Friends or next of Kin. of the Parties so drowned; and to satisfy the Salvors according to their pains, not out of his own Purse, but out of the Goods saved. And the remainder shall be left wholly to the said Lord's custody, for the space of one Year, if in that time they to whom the said Goods did appertain do not appear and claim the same. The Year being fully expired, the said Lord shall publicly sell and dispose of the said Goods (unless he please to stay a longer time); to such as shall bid most; And the Moneys proceeding of the Sale thereof shall be converted to pious and charitable Uses, as in relieving the Poor, in providing Marriages for poor Maids, and doing therewith such other Works of Piety and Charity as is agreeable to Reason and a good Conscience. And, if the said Lord should assume the said Goods either in whole or in part unto himself, he shall by so doing incur the Curse or Malediction of our Mother the Holy Church, with the foresaid Penalties, without ever obtaining Remission, unless he make Satisfaction.

X X X.

If a Ship happen to be lost, either by striking on some Rock or running aground, and the Mariners thinking to save their Lives swim to the Shore, and come thither half drowned, in expectation of Help; And, whereas it sometimes happens, that in many Places they meet with people more inhumane, barbarous, and cruel than mad Dogs, who to get their Moneys, their Cloaths, and other Goods, do murder and destroy the poor distressed Mariners; In this Case the Lord of the Country ought to execute Justice on such Malefactours, and to punish them in their Bodies and Goods. They shall be plunged into the Sea, until they be half dead; then being drawn forth out of the Sea, they shall be stoned, or knocked down, as one would do to a Wolf or a mad Dog.

X X X I.

When a Ship being under Sail, or riding at Anchor, in any Road, is overtaken by so violent a Storm, that it is thought expedient, for the lightning of the Ship, to cast part of the Lading over-board, and that part of the Goods are thrown over-board, in order to preserve the Ship, the Men thereof, and the rest of the Lading; 'Tis to be understood, that the said Goods so cast over-board do become his that can first possess himself thereof, and carry them away. Provided the Merchants, Master, or Mariners (which must be first known and understood) did cast the said Goods over-board, without any hope or likelihood of ever recovering them again, and so give them over as utterly lost and forsaken, without ever making any pursuit after them. In which Case only the first Occupant becomes the lawful Proprietor thereof.

X X X I I.

When a Ship, or other Vessel, has cast over-board several Goods or Merchandize, 'tis to be supposed the said Goods were locked up and made fast in Chests; and, if they be Books, that they are so well secured and so well conditioned, that they may not be damaged by Salt-water: In such Cases, 'tis apparent, that they who did cast such Goods over-board do still retain an Intention, Hope, and Desire of recovering the same: And therefore whoever shall happen to find such Things shall be bound to make Restitution thereof to him that shall make a legal Pursuit after them; or at least to employ them in charitable Uses, according to a good Conscience.

X X X I I I.

If any Man happen to find in the Sea, or Sea-Shore, precious Stones, Fishes, or the like, which no Man was ever a Proprietor of, It becomes his own, because he is the first finder.

X X X I V.

If any seek for Gold or Silver lost on the Sea-Shore, and finds it, he ought to restore it all to the Owner, without any Diminution thereof.

X X X I V.

And, if a Man going along the Sea-Shore to fish, or do any thing else, happens to find Gold or Silver, he is likewise obliged to make Restitution. Yet he may pay himself for his Daies-work; And, if he do not know whom to make Restitution to, he ought to give notice to the Neighbourhood, where he found the said Gold or Silver. In this case, he must advise with his Superiours. And, if he be poor, they ought to consider his Condition, and advise him to the best, according to true Godliness and a good Conscience.

X X X V I.

Touching great (or Royal) Fishes that are found on the Sea-Shore, regard must be had to the Custom of the Country where such Fishes are found and taken. For the Lord of the Country ought to have his Share, according as the Custom is: And the reason is, because the Subject owes Obedience and Tribute to his Lord.

X X X V I I.

Upon the finding of a great Fish, as aforesaid, the Finder is no farther obliged than to save it, and bring it without the reach of the Sea; and then forthwith to make it known to the Lord of the Place, that he may come or send for his Share.

X X X V I I I.

If the Lord of the Place please, and it be the Custom of the Country where the said Fish was found, he may cause the same to be brought to him that found it, or to the publick and open Market-place, and no where else. And there the said Fish shall be appraised by the said Lord, or his Deputy, according to Custom. The Price being set, it shall be free for the Party that made not the Price, either to take or leave it. And, if either of them, whether *per fas*, or *nefas*, be an Occasion of Damage to the other, though but to the value of a *Denier*, he is bound to Restitution.

X X X I X.

If the Costs and Charges of carrying the said Fish to the said Market-place should probably amount to a greater Sum than the Fish it self may be worth; In such Case the Lord of the Place ought to take his share where the said Fish was found. And the said Lord ought to pay his *Quota* of the said Costs and Charges, for he cannot without Sin enrich himself by anothers Damage.

X L.

In case the said Fish so found, as aforesaid, chance to be lost or stolen away, either before or after the said Lord has seen the Fish; the Finder is not any way obliged to make it good.

X L I.

And, as in the Case of Fish, as aforesaid, so the Custom of the Country is to be observed in all other Things found by the Sea-side, which have been formerly in the possession of some body or other; such as Wines, Oyles, and other Merchandize, although they have been cast over-board, and left by the Merchants, and so ought to appertain to him that first finds the same. But, if there be a Presumption, that these Goods belonged to some Ship that perished; Then neither the Lord, nor the Finder, ought to take any Thing thereof so as to convert it to their own Use; but they ought to do therewith as aforesaid, that is to do good to poor People. Otherwise they shall incur the Judgments of God.

X L I I.

If a Ship, or other Vessel at Sea, happen to find a great Fish, the said Fish shall be wholly theirs that found it, in case no legal Pursuit be made after it. And no Lord of any Place ought to challenge or take any part thereof, though the said Fish be brought into his Ground.

X L I I I.

If a Vessel, by stress of Weather, be forced to cut her Cables by the end, so as to leave behind her both her Cables and Anchors, and make to Sea as please the Wind and Weather; In such Case the said Cables and Anchors ought not to be as lost to the said Vessel, if there were any Buoy at them. And such as fish for them are bound to restore them, if they know to whom; but withall they ought to be paid for their pains, according to Justice and Equity. And, in case they don't know who to restore them to, the Lord of the Place shall take his Share, and the Salvors theirs. For it has been ordained, that every Master of a Ship cause to be engraven, or set upon the Buoys thereof, his own Name, or the Name of his Ship, or of the Port or Haven whereof she is. Which must needs prevent great Inconveniencies, and be of great advantage to many; Inasmuch that he who left his Anchor in the morning may possibly recover it again by night, And such as shall detain it from him shall be counted no better than Thieves and Pyrates.

X L I V.

When a Ship, or other Vessel, has the misfortune to be wracked and perish; In that Case the broken pieces of the Ship, as well as the Lading thereof, ought to be reserved and kept in safety for them to whom it belonged before the Shipwrack, any Custom

Sea-Laws of WISBY

WISBY is the chief Place of Gothland, an Isle in the Baltic Sea under the Crown of Sweden. This Island is situate over against Calmar, a strong Town in the Continent of Gothland; in length 18 Dutch Miles, and five in breadth. The Soil of it is rich, but more fit for Pasturage than Tillage. It yields great Herds of Cattel, flocks of Game for Hunting, plenty of Fish, excellent Marble, and abundance of Pitch, which it sends to other Countries.

Wisby, the chief Harbour of the whole Island, was heretofore a Place of very great Trading, and as much frequented by Merchants as most in Europe. The Trade removed hither from Wollin in Pomeran (destroyed by Waldemar I. of Denmark, Anno 1170.) made it flourish mightily, the greatest Traffick of the Baltick being managed here. But afterwards becoming unsafe, by reason of the long and continual Wars betwixt Denmark and Sweden for the Possession of this Isle, the Factory was transferred unto other Places. For, being conveniently seated to annoy the Swedes, the Danes have much contended for it, and sometimes possessed it. But at the present it is in the hand of the Swedes, much decay'd, and neither so well peopled, nor so rich as formerly.

Some Swedish Historians affirm, That the Sea-Laws of Wisby were observed, as Universal Laws, in all the Seas, Ports, and Harbours of Europe, even to the very Straights of Gibraltar, which divide Europe from Africk; and seem to make them almost as ancient as the Laws of Oleron.

Whereas the French pretend, they were only made upon the Model of the Laws of Oleron, and that a long time after. And, though the Date of the Laws of Oleron were only fetched (which ought not to be) from the Copy thereof Printed at Rouen Anno 1266, yet there will be found a considerable Disproportion of Time. For, as my French Author says, 'tis apparent that, even in the Year 1288, Wisby had not so much of the Form of a Town, being neither Walled, nor fortified with Towers or Bastions. The Inhabitants thereof were then but Strangers resorting thither from several Parts; being so far from having any Power abroad, that they were not so much as Masters at home. For they were perpetually at Daggers drawing with the Islanders, whose Rights they encroached upon. Till at last Magnus, King of Sweden, took them into his Care, favoured them with his Protection, and made them a Corporation, some time after the said Year 1288. Neither does it appear, says my Author, that since the Beginning of the French Monarchy, the Goths and Swedes have ever had any Power or Authority in the Sea-Coasts of France. From whence he concludes, That the Swedes owe their Sea-Laws to the French, and that they borrowed them from the ancient Dukedom of Aquitain.

I.

IF a Mariner, whether he be a Pilot, Mate, or common Sea-man, being hired by a Master, does afterwards leave him; the said Mariner ought to restore so much of the Pay as he has received, and withall pay a Moity of the Salary agreed upon for the whole Voyage. And, if a Mariner binds himself to two several Masters, the first that hired him may challenge him, and compel him to go the Voyage. Nevertheless the said Master shall not be obliged to pay him any Wages or Salary for the whole Voyage, but that is left to his Discretion.

I I.

Any Pilot, Mate, or common Sea-man, that does not understand his Place, or is not sufficiently qualified for it, shall be bound to restore to the Master what Mony he has advanced him, and withall the Moity of what has been agreed upon.

I I I.

A Master may put away a common Sea-man without any lawful Cause, before his Departure, paying the said Sea-man the Moity of what has been agreed upon. But, if he be set out from the Harbour, and have begun the Voyage, the Master that puts him away without a Cause is bound to pay him his full Wages.

I V.

All Mariners are forbidden to ly ashore in the Night, without the Master's Leave, and that under the Penalty of two Deniers. They are also prohibited, under the same Penalty, to go off in the Ship-boat by Night.

By a Denier is meant here a Silver Denier, whereof three makes a Gros, and eight Gros go to an Ounce.

V.

The Mariners shall have four Deniers a Last for Lading, and three Deniers a Last for Unlading, and that shall be their Salary for Hoisting of Goods.

But that is no standing Rule, by reason the Value of Coins is variable.

V I.

'Tis prohibited to Arrest any Master, Pilot, or Sea-man in the Ship for any Debt, when they are ready to set Sail. But a Creditor shall be free to execute, seize, and sell whatever he shall find in the Ship belonging to his Debtor.

V I I.

When a Ship is freighted for the whole Summer, the Freight shall expire upon S. Martlemas Day, the eleventh of November.

V I I I.

Whosoever shall make use of another man's Lighter, without his Leave, shall be liable to the Penalty of four Pence payable to the Owner, besides the Days-Journeys; unless it be upon an urgent Occasion, as in case of Fire, or the like.

I X.

In case any Person desire to call a Mariner to an Account, and make him acknowledge a Debt, or the like, he ought not therefore to carry Strangers aboard; but he may make use of the People that are in the Ship. The same Rule is to be observed in a Voyage, for making of any Covenant that requires Witnesses.

X.

It is not lawful to sell, or ingage a Ship freighted; but one may freight her to another for the same Time, and the same Voyage.

X I.

If a Ship freighted for a Voyage be made use of for a longer Voyage, or for several Voyages, in case there be no Protest against it, and the Ship suffers any Damage in the Voyage not allowed of, the Damage shall be equally paid.

X I I.

If a Mast, Sail, or any Tackling of the Ship chance to be lost by misfortune, the Ship being under Sail, or otherwise, it shall be to the Master's Loss. But, if the Master be forced to cut it down, in this Case the Ship and her Lading shall make good the same.

X I I I.

A Master ought not to sell the Ship he is Master of, nor any of the Tackling, without the Leave of the Merchants and Owners thereof. But, if the Master be straitned for want of Provisions, he may ingage some Cables and Cordage, and that must be done with the Mariners advice.

XIV.

When a Master is in an Harbour, he ought not depart, or to set Sail, without the advice and consent of the greatest part of the Mariners. Otherwise, if any Damage should happen in the Voyage, he shall be answerable for the said Damage.

XV.

The Mariners are bound to save and preserve the Merchandize to the best of their power; and, whilst they do so, they ought to have their Wages paid them, otherwise not. Neither is it lawful for a Master to sell the Cordage, without the Merchants Leave; but he is bound, at his Peril, to preserve the Whole, as far as in him lies.

XVI.

The Merchants shall be free at any time to take their Merchandize out of the Ship, provided they pay for the Freight, or give the Master Content any way. Otherwise the said Master may get his Ship fitted up (in case that may be compassed in a short time) to finish his Voyage. But, if he cannot compass it, he may remove the Merchandise into other Vessels, to be conveyed to the Place appointed, for which he shall have his Freight paid.

XVII.

No Sea-man (or Mariner) shall go out of the Ship, without the Master's Leave; but he shall be liable to make up the Damage that may ensue thereby. Unless the Ship, being driven to Shore, be moored with four Anchors. In which Case Seamen may leave the Ship, provided they do speedily return.

XVIII.

If a Mariner, being ashore about the Master's or the Ship's Business, happen to be wounded, the Ship shall be at the Charge of his Cure. But, if he went to Shore for his Pleasure, and there be wounded, the Master may put him away. And the said Mariner shall be bound to make Restitution to the Master of what he shall have received from him, and pay him moreover whatever he must give another to take his Place.

XIX.

In Case a Mariner falls sick, and that it is thought convenient to carry him to Shore, the Law is, That the said Mariner shall be there kept and maintained as if he were on Board, and attended by a Ship-boy. If he recover, his Wages shall be paid him to the full; and, if he die, his Wages shall be paid to his Widow, or to his next Heir.

XX.

If by Stress of Weather there be a Necessity to cast some part of the Lading over-board, and the Merchant will not give his Consent to it, the Casting nevertheless shall be allowed of; provided the Mariners do approve of it, and that the third part of them (being come home) do make it out by Oath, That they were forced to do it, to shun an imminent Danger, and to save their Persons. And the said Merchandise so cast as aforesaid shall be upon the Account of the Ship or Merchandise, at the same Rate as the Merchandise that remains shall be sold for.

XXI.

When a Master thinks fit to cast part of the Lading over-board, he ought, in the Merchants absence, to take first the Advice of the Pilot, and of the major part of the Mariners; and the Whole shall be upon the Account of the Ship and Merchandise.

XXII.

The Master and Mariners are bound to shew unto the Merchant the Cordage and the Hoisting Instruments. If they fail herein, and any Damage ensue thereupon, they shall be obliged to make it up. But, if the Merchants, having seen the same, be satisfied therewith, and any Damage ensue thereupon, it shall be all upon their Account.

X X I I I.

In case the Ship be ill laden, and that by the Master's Default, for want of well governing the said Ship, the Wine be lost, the said Master shall be liable to make up the Loss. But, if the Mariners do declare to the contrary upon Oath, the Loss shall be the Merchant's.

X X I V.

Fighting amongst Seamen, and giving one another the Lye, is prohibited. He that shall give another the Lye shall pay four *Deniers*; And, if it be a common Seaman that gives the Master the Lye, he shall pay eight *Deniers*. He that strikes the Master shall pay an hundred Pence, or else shall lose his Hand. If the Master gives the Lye, he shall pay eight *Deniers*; and if he strikes, he shall receive blow for blow.

X X V.

A Master may put away a Mariner, for a lawful Cause. But, if the said Mariner is willing to make amends according to the Judgment of the rest, and the Master refuse it, the said Mariner ought to leave the Ship. Nevertheless he shall be free to follow the Ship to the Place appointed, and there his Wages shall be paid him, as if he had ben in the Ship. And, if the Master does take in his place another Mariner not so well qualified, and that Damage ensue thereupon, the Master shall be bound to make it up.

X X V I.

If a Ship, riding at Anchor in an Arbour, be struck or grappled by another Vessel and Sail, carried by the strength of Wind, or by the violence of Currents, and thereby receive Damage either in her Bulk or Lading; In such Case the said Damage is to be in common, and to be equally divided half by half. But, if the Thing be done with a Design, or by the fault of the Ship, that Ship alone shall pay for the Damage. The Reason is, because some possibly having an old decay'd Ship, might keep her out of a Design in the way, that the Ship being undamaged or sunk, may be paid for more than she was really worth. Therefore, tis ordered, that the Damage shall be equally divided half by half, that both Ships may take the more care, and keep from Harms way.

X X V I I.

When a Ship rides at Anchor in an Harbour, where there is so little Water that the Ship touches the Ground, and another Ship comes to cast Anchor near that; If the Men of this last Ship be required by those of the first to hoise up and remove their Anchor further off, and they refuse to do it; In such Case, the Men of the first Ship have a power to do it themselves; And, if they be hindred by the last comers, these must repair all the Damage that shall happen thereby.

X X V I I I.

All Masters of Ships are prohibited to ride at Anchor in any Harbour, without a Buoy, or some other Anchor-mark. If they do, they are answerable for the Damage that all other Ships may receive from their Anchors.

X X X I X.

In all Voyages wherein Wine may be had, the Master is obliged to give the Seamen Wine, and then they shall have but one set Meal a Day allowed them. But, where they drink nothing but Water, they shall have two Meales a day.

X X X.

When a Ship is freighted, the Master ought to appoint and shew to the Seamen a Place to put in their Goods. And then they shall be bound to declare, whether they will freight by themselves, or be allowed at the Freight of the Ship.

X X X I.

When the Ship is arrived at the Place appointed, if the Mariners will have their Wages paid, those that have neither Chest, nor Quilt, nor any other Moveables on Board equivalent to their Salary, shall give a Security to the Master, how they shall serve him to the end of the Voyage, or till the Ship be come home.

X X X I I.

X X X I I.

The Mariners (or Seamen) that are to be paid out of a certain proportion of the Freight, are obliged to attend the Ship, in case the said Ship finds no Freight at the Place appointed, and that she must go further to find a Freight. But the Seamen that have a set Salary shall be considered, according to Equity.

X X X I I I.

The Ship having cast Anchor, the Seamen are free to go on Shore one after another, or two at once; and there they may carry their Dinner, and a competent Proportion of Bread, but no Drink. However they ought not to make a long stay there. For, if either the Ship or the Lading thereof should receive any Damage by reason of their absence, they are bound to make it up. And, if any of the Men should chance to hurt himself, or get any mischance, in doing any business relating to the Ship-service, the Merchant must be at the charge of his Cure, and ought to indemnify him, upon the Testimony of the Master, Pilot, or Mariners.

X X X I V.

When a Ship is freighted to a Merchant, upon condition that he shall lade the Ship within a certain time; if he fails to do it, and puts it off a fortnight longer, or more, inasmuch that the Master, by the said Merchants delays, loses the Opportunity of his Freight; in such Case the said Merchant shall be bound to consider the said Master for the Delay, Costs and Damage, one fourth part whereof shall belong to the Mariners, and the three other fourth parts to the Master.

X X X V.

If the Master falls short of Money in his Voyage, he must send home for some; but he must not lose a fair Opportunity to continue his Voyage. For, if he did, he should be liable to give the Merchant Satisfaction for the Damage sustained by such a Delay. But, in case he be very much straitned, he may sell a parcel of the Merchandise; and, when he comes to the Place appointed, he shall account to the Merchant the said Merchandise at the same rate as the Remainder shall be sold. And he shall have his Freight paid, as well for the Merchandise sold by him as aforesaid, as for all the rest.

X X X V I.

The Master coming into an Harbour ought to make it his principal Care to find a good Place for his Ship, to moor her well, and in a good place. For, if for want of this Care the Goods should be spoiled or damaged, he must make it good to the Merchant.

X X X V I I.

When a Ship is indamaged by hard Weather, if the Merchant, Master, or Seamen think she may be so repaired as to go on and finish the Voyage, they may do it, and continue their Voyage. If not, the Master shall have his Freight paid him for the Goods saved, and that turn only to the Merchants Profit. But, if the Merchant be short of Money, and the Master will not give him Credit, the said Master shall take Goods in Payment, at the same rate as the rest of the Goods shall be sold by the Merchant.

X X X V I I I.

The Master, though the Danger be never so great, ought not of his own accord cast any Goods over-board, but he must in the first place acquaint the Merchant with it. But, if the Merchant refuses to give his Consent, he may venture to do it; provided that he has the Concurrence therein of two or three of the ablest Mariners. And these shall be believed upon their Oath, that it was requisite and necessary to cast Goods over-board, thereby to lighten and to save the Ship. And, in case there be no Factor nor Merchant on Board, the Master and the major part of the Mariners may do as they shall think fit.

X X X I X.

The Merchandise cast over-board shall be paid at the same Rate as the Rest shall be sold by the Merchant, the Freight being deducted and paid.

X L. The

X L.

The Master, upon the Casting of Goods over-board, shall pay his share of the Goods so cast, either to the full Value of the Ship, or of the whole Freight, as the Merchant shall think best; and the Merchant, to the Value of the Merchandise saved. But so that the Merchant shall be free (if he pleases) to take the said Ship at the same Rate as she has been appraised by the Master.

X L I.

If any one in the Ship hath Mony, or any Commodity in his Chest, he is bound to declare it before the Casting. And, by so doing, he shall be paid for the said Commodities to the full Value thereof; and, for his Mony, he shall have two Deniers for one.

X L I I.

If any one has Mony in his Chest, let him take it out, and carry it about him, and he shall pay nothing.

X L I I I.

If a Chest be cast over-board, and the Owner thereof do not declare what is in it, the Chest shall be lookt upon as empty; and nothing but the Wood thereof, with the Iron-work (if there be any) shall come within the reach of the Contribution.

X L I V.

In case there be Occasion for a Pilot of the Country, and the Merchant refuse to give his Consent to it; it shall be done however as the Master, the Ship-Pilot, and the major part of the Mariners shall think convenient. And the Pilot of the Country shall be paid at a reasonable rate, and his Pay shall be upon the account of the Ship and Lading.

X L V.

When a Master is so straitned, as to Mony and Provisions, that to supply the present Occasions of the Ship, he is forced to sell part of the Merchandise therein, or to take up Mony by Bottomary; he ought to pay at the Place where he shall arrive at in fifteen Days time, viz. the Merchandise at a reasonable rate, neither too high nor too low. Upon Default whereof, if the Ship be sold, and another Master be put in his place, the Merchant to whom the Merchandise belonged, or the Creditor that has lent the Mony, shall have a Right to the Ship, by way of Mortgage, within a Year and a Day.

X L V I.

The Ship being laden, the Master must not take in any more Goods, without the Merchants Leave. And, if he fails herein, in case there be a Casting of the Goods over-board, he shall be a Loser by so much more Commodities as he hath taken over and above. Therefore, upon the Lading of the Ship, he ought to declare and to say thus unto them, Sirs, I intend to take such and such Goods in such a Place.

X L V I I.

The Mariners are bound to preserve and take care of the Goods, at the Request of the Merchants, Master, and Pilot.

X L V I I I.

For the taking care of the Goods, the Mariners shall be paid every time they shall stir the Corn a Denier for every Last. And, if they refuse to do it, so that the Corn comes to be indamaged, they are bound to make up the Damage, according to the Judgment of the Master and Pilot. As for the Unlading, they shall have a Denier for every Last, and the like shall be allowed them for all other Commodities whatever.

X L I X.

The Mariners ought to shew to the Master the Cordage used for hoyving up of Goods, and to acquaint him with any Thing that is wanting therein, to the best of their Knowledge. And, if the Master neglects it, the Damage insuing thereby shall be upon his account. But, if the Mariners fail in their Duty herein, they shall be answerable for the Mischances that shall happen thereby.

L. When

L.

When two Ships fall foul upon one another accidentally, the Damage ensuing thereupon shall be equally divided. But, if the Men of either Ship have done it wittingly or wilfully, in such Case that Ship shall pay the whole Damage.

L I.

And, to obviate all such Perilisations, all Masters of Ships are charged to fasten Buoys with Cables to their Anchors. Upon Default whereof, they shall pay all the Damages which shall happen thereby.

L II.

The Ship being arrived at her Port of Discharge must be unladen, and the Master ought to be paid within eight or fifteen Daies at furthest, according as the Voyage is.

L III.

If a Ship freighted for an Harbour doth put into another, the Master to clear himself, must declare upon Oath, together with two or three of his ablest Mariners, that he was forced into that Harbour by stress of Weather, or otherwise. And upon that the Master may take his Course again, and finish his Voyage; or else he may send the Lading by other Ships at his own Costs and Charges, and then he shall be paid for his Freight. But the Merchant ought to pay the Customs of his Merchandise.

L IV.

All Mariners are prohibited to go out of the Ship, and to leave her after the Voyage, and the Unloading of the Ship, till the same be unrigged, and sufficiently ballasted.

L V.

If a Ship chance to run aground, the Master may cause part of the Cargo to be transported into other Vessels, and the Charge thereof shall be upon the account of the Ship and her Lading. Nevertheless the Master and two or three more of his Men shall be bound to take their Oaths, that they were forced to do it to save the Ship and her Lading.

L VI.

When a Ship is come within a River, or within an Harbour, and proves to be too much laden to get up the River; the Master may cause part of the Goods to be taken out of the Ship, and send them up in Lighters and Ship-boats. And in this Case the Master shall pay the two thirds of the Charge, and the Merchandize the other third. But, if the Ship being quite unladen proves so heavy that she cannot get up, the Master shall pay the whole Charge.

L VII.

When the Merchandize is let down into Lighters to be carried to shore, if the Master questions either the ability or honesty of the Merchant; the said Master may stop the Lighter, and make them stay near the Ship, till such time as the Merchant has paid the whole Freight, and cleared all the other Charges.

L VIII.

The Lighters or Ship-boats shall be discharged in five worky-days.

L IX.

A Ship riding at Anchor before an Harbour, which the Ship-Pilot is not well acquainted with, the Master ought to send for a Pilot of those parts on board his Ship; and the pay of this Pilot shall be upon the account of the Ship and Lading.

L X.

Also, when a Ship is come to an Harbour, in order to go up a River, the Master may take a Pilot of those Parts. And then the Master shall find him the Victuals, and the Merchant his Pay.

L XI.

When a Mariner is fled from his Master, and is run away with the money he received from him, if the said Mariner can be secured, his Tryal shall be made; and, upon

upon the Evidence of two other Mariners, he shall be sentenced to be hanged.

LXII.

If a Mariner be found to be infected with any contagious Disease, the Master is free to leave him in the first place he shall arrive at, and shall not be bound to pay him any Wages; Provided the Sickness be clearly proved, by the Deposition of two or three Mariners.

LXIII.

If a Pilot, or common Seaman, buy a Ship, or if he be made Master of a Ship, he shall be discharged from his Master's Service, by making him a full Restitution of what he has received from him. The same Rule is to be observed, in case the said Pilot or Seaman does marry.

LXIV.

If the Master and the Owner be at variance, inasmuch that the latter refuse to find his *Quota*; the Master notwithstanding may undertake Voyages in the Ship, paying what shall be thought reasonable for the Mariners.

LXV.

In case the Master be at the charge of repairing the Ship, or of buying any thing for the Service thereof, he shall be reimbursed, and every Part-Owner shall pay his share.

LXVI.

If the Master be forced to give the Owner Security for the Ship, the Owner on the other side (to ballance the Business) ought to give Security for the Master's Life.

LXVII.

When two Ships by mischance fall foul upon one another, and that one of them comes to be lost thereby, the Goods so lost that were in both Ships shall be appraised and paid *pro rata*. The same Rule shall be observed as to the two Ships, so that the damage of the one and the loss of the other shall be made up to the full.

LXVIII.

In case of Necessity, the Master may sell part of the Merchandize, to make Money for the present Occasions of the Ship. And, if the Ship afterwards happen to be lost, the said Master shall be bound nevertheless to make good the said Merchandize to the Merchant, and must not expect any Freight for the same.

LXIX.

When the Master is forced to sell any of the Merchandize, he is bound to pay it at the same rate that the remaining Goods shall be sold for when they come to their Port of Discharge. But then the Master shall have his Freight paid him for Merchandize so sold as aforesaid.

LXX.

When a Ship under sail endamages another by running upon her, if the Master and Mariners of the first give it under their Oaths, that they did not do it wittingly or wilfully, and that they could not help it; In this Case the damage shall be paid in common. But, if the said Master and Mariners decline taking their Oaths, the Damage shall be wholly paid by the Ship that ran upon the other.

THE
SEALAWS
 OF THE
HANSE-TOWNS.

THE HANSE-TOWNS are well known to be free and Imperial Towns, associate in point of Commerce, and enjoying a Community of Priviledges. Lubeck, Brunswick, Dantzick, and Cologne were the first that contrived this Community, and that made a League Offensive and Defensive for the Preservation thereof. Thus, by the Lex Pompeia, the Towns of Bithynia had the Liberty to impart to each other Jus Civitatis; and 'twas in the same manner that an Egyptian King, Ptolomy Philopator, made the Jews of Jerusalem Citizens of Alexandria.

Now this Community of Priviledges, betwixt the said Hanse-Towns, viz. Lubeck, Brunswick, Dantzick, and Cologne, was kept so faithfully, and proved so very beneficial to them, that all other free Towns of the Empire, both Maritime, and such as were seated on navigable Rivers, did earnestly desire to joyn with them, and be admitted on the same Terms into their Society. Insomuch that they reckon at present no less than 72 Hanse-Towns, and some 81.

These Towns are so knit together, by their common Interest, that the Citizens of any one of them are fellow-Citizens to all the rest, enjoying in point of Trade the same Priviledges and Immunities, and paying no manner of Custom or Impost within the Jurisdiction of the Hanse; except those small Acknowledgments, or Homages of old, which had before their Admission into this Society. And, by vertue of their League, so strict is their Union, that the Wrong done to one of the Hanse-Towns is lookt upon and resentted as done to them all.

For the Conveniency of Trade, these Confederate Towns have three Factories, or Houses of Commerce, where the Merchants keep their Store-houses, Factors, and Commissioners, viz. in Novogrod a Town of Moscovy for the Trade of those Parts, in Bergen a Town of Norway, and in Antwerp in the Low-Countries.

These Factories, or Houses of Commerce, are stately Buildings, containing three or four hundred Lodging Rooms very well furnished, with Closets, Galleries, Porches, and Cellars which surround a great Court. There are also Garrets, and all Things convenient, to receive all sorts of Merchandise and Provisions. For the ordering of which the Merchants keep there a great number of Servants and Officers, besides a Consul and a Secretary.

Merchants that are married may not transport themselves to any of those Factories. But they send their Sons thither, to be brought up to the knowledge of Languages, Arithmetick, and other sorts of Learning; there being a School kept to that purpose, plentifully endowed.

Formerly the Hanse-Towns had a Factory at London, which they called Stalhof, or the House of Steel, because none but They brought Seel into England. But in the Reign of Queen Elizabeth, when their Commodities were faine to pay Custom, they chose rather to quit the Place, and leave their Factory, than to suffer a Breach to be made in their ancient Priviledges. Whereupon Rodolphus, the then Emperour, dissatisfied with the Queen's Proceeding, banished all the English that were within the Bounds of the Empire. 'Tis true the Queen was willing that the Hanse-Towns should continue their Trade in England, upon Condition that they should pay the same Custom as her own Subjects did, and that all English Merchants should be Partakers of the Immunities and Priviledges of the Hanse-Towns. But these Conditions were denied.

Bruges,

Bruges, in Flanders, had also a Factory. But being three Leagues off from the Sea, and having nothing but a small artificial River, (besides other Considerations cited by Werdenhagden, de Rebuspublicis Hanseaticis, Parte 4. Cap. 18.) the great Commerce of Bruges was in the Year 1516 removed to Antwerp; where the said Merchants of the Hanse-Towns do still keep their Factory.

The chief Place of the Hanse-Towns is Lubeck, near the Baltick Sea, and in the Borders of Holstein. A City wherein Trade hath a long time flourished; and withal so beautiful, that there is scarce a Town in Germany which can equalize it, either for the Beauty and Uniformity of the Houses, the pleasant Gardens, fair Streets, and delightful Walks without the Walls; or for the Citizens themselves, who are much commended for their Civility to Strangers, and strict Execution of Justice without Partiality.

This Town, being at first but a goodly Burrough, was greatly improved by the Care of Adolphus, Earl of Holstein; by whom, and his Successors, it was so well privileged, that in a short time it bid Defiance to its Founders. Anno 1161. the Emperor Frederick I. made it a free City of the Empire, the chief of all the Sea-Towns of Germany; and granted it withal all those Franchises, Priviledges, and Immunities, that are now enjoyed in common by all the Hanse-Towns. He gave it Power, amongst other Things, to keep Factories at London, Bruges, Novogrod, and Bergen; therefore the other Hanse-Towns look upon it as the chief Place of their Society.

'Tis in this Place that the general Concerns of the Hanse-Towns are deliberated and agreed upon. Here it was that in the Year 1371. the Brunswick Merchants, and in the Year 1387. the Flemish, were excluded from the Society of the Hanse-Towns, upon their raising new Customs. But they were since reinstated, that is, when their Acts for the said Customs were repealed.

'Tis in this Place likewise that the Deputies of the Hanse-Towns agreed upon Sea-Laws for the Benefit of Navigation, Anno 1597. and that upon the Model of the Laws of Wisby, only with some Additions. For, as the Sea-Laws of Wisby added something to Those of Oleron, so the Laws of the Hanse-Towns improved Those of Wisby. This will appear by the following List, an Abridgement whereof has been presented already (but something imperfect) in the First Part of this Book, Chap. 33.

NO Master of a Ship shall undertake to cause a Ship to be built, before he be sure of Part-owners, who must be Citizens and Inhabitants of one of the Hanse-Towns; unless he is able to do it alone at his own Costs and Charges. In default whereof he shall be liable to the Penalty of half a Dollar a Tun, for so many Tuns as the Ship shall carry.

V I I.
Neither shall the said Master take upon him to build a Ship, though he be sure of his Partners, before they have agreed together, and concluded of what Burden the Ship shall be built, and in what manner, and this to be done all in Writing; upon pain of paying the fourth part of a Dollar for every Tun.

V I I I.
Likewise the Master shall not undertake to make any Reparation to the Ship, Sails, or Cordage, unknown to the Owners, unless it be in a forein Country, and in case of Necessity. Otherwise all the Charges of it shall be his own.

V.
The Master of a Ship shall have no power to buy any Thing for the Ship, but in the presence and with the Consent of one or two of the Part-Owners, upon pain of a Dollar. Neither is it lawful for the Master or any of the Owners to buy any Thing for the Ship upon Trust, to the prejudice of the other Owners, that are willing to buy and pay for their Share ready money.

V.
A Memorandum shall be made of all Things requisite to the fitting up of the Ship, in order to have them bought by the Master and Part-Owners jointly.

V I.

The Master is to buy the Whole at the best hand, without fraud or deceit, upon pain of corporal Punishment; and the said Master shall write down in his Day-book both the Name and Abode of those of whom he bought it.

V I I.

If the Master, or any Seaman, keep back any Merchandise, Sails, or Cordage, or any of the Freight-mony, he shall be taken into Custody, and suffer Punishment, as a Thief, according to the nature of the Fact.

V I I I.

Neither shall they buy Provisions dearer than others buy it, but at the same rate as the other Inhabitants of the Town may have them. All which they shall get carried to the Store-house of the Owners of the Ship, there to remain till the said Ship be ready to depart.

I X.

All Masters of Ships are hereby forbidden, to sell again any of the Ships Victuals or Provisions, upon pain of being punished as Thieves. Except only to such other Ships as, being far from any Land, are straitned or in great danger for want of Provisions; whereof however they must give a faithful account to the Owners.

X.

The Master of a Ship is bound, at his return from his Voyage, to consign and put into the hands of the Owners whatever Provisions and Ammunitions shall be left in the said Ship.

X I.

Two or three days after the Ship shall be laden, the Master is bound to set Sail, if the Wind be favourable, upon pain of two hundred Florins. And, if any of the Owners should then fail to find his *Quota*, he shall be liable to the same Penalty. And in such Case the Master may take up mony upon Bottomry, to take up the Share of the delaying Part-Owner. The Merchants on their side shall load within the time agreed on, upon forfeiture of the whole Freight, if the Master should go the Voyage with his Ship empty, and only laden with Ballast.

X I I.

When the Master will give up his Account, he shall acquaint therewith all the Owners, upon forfeiture of two Dollars.

X I I I.

The Master shall not ship any Merchandise alone, nor with the Consent only of some of the Part-Owners, unknown to the rest; and that upon pain of Confiscation and Punishment.

X I V.

The Owners may put away the Master, if there be any lawful Cause; but then his Share in the Ship shall be paid him, at the same Rate he bought it.

X V.

All Owners are hereby forbidden to take a Master for their Ship, unless he produce a Testimonial, that he is discharged from his former Owners in a decent manner, upon pain of five and twenty Dollars.

X V I.

Before a Master of a Ship shall hire any Pilot or Mariner, he ought to agree with the Owners what Wages he shall give him, upon Forfeiture of five and twenty Dollars.

X V I I.

When Ships do enter into Admiralty one with another, they shall be bound to keep together, as far as in them lies, and to stay for each other; upon pain of making good all the Damage that any one or more of the Company shall receive from Pyrates or any Enemy whatever.

X V I I I.

No Master shall hire a Mariner, before he has seen a Certificate from his former Master,

Master, shewing how faithfully he has served him, upon pain of two Dollars. Unless it be in a strange Country, and that in case of Necessity.

XIX.

The Masters are bound to give their Mariners a Certificate answerable to their Skill and good behaviour. And, if there be Cause of Denial, the business shall come to a speedy Trial, upon Forfeiture of two Dollars.

XX.

When a Ship is forced to stay or winter in a strange Country, In such Case the Mariners ought not to go or ramble on Shore without Leave, upon pain of forfeiting the moiety of their Wages.

XXI.

If, whilst the Ship winters any where, the Master finds the Mariners Victuals, the said Mariners shall not oblige him to increase their Salary or Wages; Upon pain of forfeiting the Moiety of their Hire, and of being punished besides, as Cause shall require.

XXII.

The Mariners shall not go to Shore, without the Leave of the Master, Pilot, or Mate; upon Forfeiture of half a Dollar for every such Default.

XXIII.

The Mariners that go to Shore with the Master are bound to keep the Boat, and to go on board again at the first order. And he that shall stay behind, or pass the Night on Shore, shall be punished with a pecuniary Mulct, or else with Imprisonment.

XXIV.

When a Master changes his Voyage, and takes another Course, he ought in the first place to agree with his Mariners, or allow them for that Change what shall be thought reasonable by the major part. And, if any of them refuse to obey, he shall be punished as a mutinous Man.

XXV.

He that is found sleeping upon the Watch shall pay four Pence; and whosoever shall find him so sleeping, and not declare the same, shall pay two Pence.

XXVI.

All Mariners are hereby forbidden, to moor the Skiffs or Ship-boats by the Ships, upon pain of Imprisonment.

XXVII.

He that shall be found unfit to serve as a Pilot, or in any other Office for which he is hired, shall forfeit all his Wages, and further shall be punished, as Cause shall require.

XXVIII.

The Masters shall pay Mariners their Wages, in three Terms, viz. one Third upon their Departure, another Third when the Ship is unladen, and the Remainder upon their Return home.

XXIX.

The Master of a Ship may at any time dismiss, and put away a mutinous or unfaithful Mariner.

XXX.

If a Mariner kills another, the Master ought to secure him and keep him in Custody; and at his coming home, he shall deliver him up into the hands of Justice, to be punished according to his Crime.

XXXI.

The Mariners shall not make a Feast in the Ship, without the Masters Leave, upon Forfeiture of half their Wages.

XXXII.

No Mariner shall have his Wife lye on Board, upon pain of a Dollar, if he do offend.

XXXIII.

X X X I I I.

None shall discharge any Ordinance, or Shot, without the Master's Leave, upon Pain to pay double for the Powder and Shot.

X X X I V.

The Master, upon his Return home, shall make a Declaration to the Magistracy of all the Forfeits and Penalties incurred, upon Forfeiture of five and twenty Dollars.

X X X V.

The Mariners are bound to defend themselves against all Pyrates and Sea-Rovers, upon pain of losing all their Wages. If any of them chance to be wounded, Care shall be taken for their Cure, upon the Ships account. And, if any be maimed, or has so lost the use of his Limbs, that he can work no more, he shall have Bread allowed him during Life.

X X X V I.

If the Mariners, or any of them, refuse their Assistance in such a Case, and the Ship be taken or lost, the said cowardly Mariners shall be condemned to be whipt.

X X X V I I.

But, if the Mariners be resolved to fight, and the Master keep off for fear, the said Master shall be shamefully cashiered, and declared incapable for ever of commanding any Ship.

X X X V I I I.

The Ship-Ballast shall be carried to the Places appointed for that purpose; and the Contraveners hereunto shall be punished by the Magistrates.

X X X I X.

If a Mariner happen to be wounded, being about the Service of the Ship, a convenient Care shall be taken for his Cure at the Cost and Charge of the Ship. But if he be otherwise wounded, it shall be at his own Charge.

X L.

If a Mariner goes on Shore without Leave, and the Ship comes to be indamaged or lost, for want of Help, the said Mariner shall be confined to a Prison a whole Year, and kept with Bread and Water. And, if any Man has lost his Life with the Ship; the Mariner, by whose absence such a Misfortune hapned, shall be punished with corporal Punishment.

X L I.

When a Mariner does not do his Duty, the Master may put him away. But, if a Master puts away a Mariner without a just Cause, if it be before the Departure, the Master shall pay him the third part of his Wages, and shall not bring the same to the Owners Account.

X L I I.

If the Master puts away, without a just Cause, a Mariner during the Voyage, In such Case the said Master shall pay him his Wages to the full, and further he shall pay his Charges for his Return. But, if a Mariner leaves the Master of his own accord, the said Mariner is bound to make Restitution of so much Mony as he has received, and to bear his own Charges.

X L I I I.

If an Officer or Mariner runs away, and is afterwards apprehended, he shall be delivered up into the hands of Justice, to be punished according to Law; and shall be burnt in the Forehead with the Mark of his Birth-place.

X L I V.

When a Ship happens to be cast away, the Mariners are bound to save as much as in them lies; and the Master ought to requite them for their pains to their content, and convey them at his own Charges to their dwelling Places. But if the Mariners refuse to assist the Master, in such Case, they shall have neither reward, nor wages paid them.

X L V.

If a Mariner falls sick of any Disease, he shall be carried to Shore, and have the same Allowance he had on Board, and withall shall be attended by another Mariner. However, the Master is not bound to stay for him, or to retard his Voyage upon his account. And, if the said Mariner recover his Health, his Wages shall be paid him, as if he had served all the while. But, if he dies, his Wages shall come intire to his next Heirs.

X L V I.

If the Mariners being mutinous force the Master to put into an Harbour, and then the Ship and Lading chance to be lost wholly or in part, whereupon the Mariners run away without leave; In such Case, if the said Mariners can be recured, they shall be condemned to corporal Punishment.

X L V I I.

The Master shall give his Mariners no cause to mutiny, but shall stand to his Covenant, and give them their due.

X L V I I I.

A Master that induces away any Mariner hired to another Master, shall forfeit ten Dollars. And the Mariner shall give or pay to the first Master, to make up his Damages, the moiety of the Wages he was to have from the second Master.

X L I X.

If a Ship be stopped in a strange Country, or the Master be forced to stay there and wait for his Freight, or for any other Cause whatever; the Mariners all the while shall have their usual Allowance of Victuals. But they must not expect, or demand any extraordinary Wages. And, if any thing be due unto them, it ought to be paid them, according to the Judgment of Friends or experienced Men, at the Place where the Ship is to unlade. But, if any Mariner presumes to leave the Ship upon such a Pretence, he shall suffer corporal Punishment, according to the Fact.

L.

If a Master takes on board his Ship, Gold, Silver, precious Stones, or any other rich and costly Merchandize, which requires his particular Care over them; the said Master, in such a Case, shall have the fourth part of the Freight, and the Owners the other three parts.

L I.

When a Ship-boat or Lighter shall be used to carry Salt on Shore, the Master shall commit it to the special Care of a Mariner, that it may be neither lost nor purloined.

L I I.

The Mariners belonging to Ships freighted for *France* or *Spain*, shall not have their Portage, but shall find their own Provisions; Except at their return, if so be the Ship comes home laden. And, if the Master does advance or lend the Money before-hand, he may pay himself, or bate it out of their Wages, without any prejudice however to the Ship-Owners.

L I I I.

The Mariners shall have no power to sell or alienate any part whatsoever of their Provisions or Tackling, except upon their return home. And then the Owners shall have the first proffer to buy the same.

L I V.

The Mariners shall take no Salt out of the Ship-Lading, but what shall appear to have been brought in by them on Board with the knowledge and consent of the Merchant, or of any other Party concerned therein; Upon pain of being severely punished.

L V.

The Master and Pilot may load for themselves each Twelve Barrils, each of the other Officers six Barrils, every common Seaman four Barrils, the Cook and Ship-boys each two Barrils.

L V I. If

LVI

If a Master, out of spight to the other Part-Owners, sells his Share for more than it is worth, the said Share shall be appraised by Skillful men: Whereupon the Part-Owners shall be free, before all others, to buy it at the Rate appraised as afore said.

LVII

If a fraudulent Master takes money upon Bottomry, and carries the Ship into a remote Harbour, and there sells the Ship and Lading; the said Master shall be forever incapable of being a Master, and shall never be received in any of the Hanse-Towns, but shall suffer besides a condign Punishment, without any mercy.

LVIII

The Master, being at home in his own Country, must not take any more money upon Bottomry, except to the Proportion or Value of his Share in the Ship. If he do, the other Part-Owners shall not be answerable for it. Neither shall the said Master take any Freight, without the knowledge and consent of the other Owners.

LIX

In case the Owners disagree as to the Freight of the Ship, the most Voices shall carry it. And yet the Master may take money upon Bottomry, for those of the Part-Owners who shall refuse to contribute their Part for the fitting out of the Ship.

LX

If the Master, being in a strange Country, be straitned for want of money to supply the wants of the Ship, and can get none but upon Bottomry; in such Case, the said Master may do it at the Charge of his Part-Owners.

